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10/815,635

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EXAMINER

STIBLEY, MICHAEL R

ART UNIT

PAPER NUMBER

3688

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|---------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/815,635 | Applicant(s) DENOON ET AL. | |
| | Examiner MICHAEL R. STIBLEY | Art Unit 3688 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 and 40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 and 40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/7/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response Applicant's submission, namely "Amendment A" of June 6, 2008.

Status of Claims

2. Claims 1-38 and Claim 40 are pending in the instant application as Claim 39 was cancelled by Applicant on June 6, 2008.

RESPONSE TO ARGUMENTS

3. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection, necessitated by amendment.

Applicant's request for allowance and withdraw of the last Office Action have been carefully considered. However, Applicant's arguments and amendments are not persuasive in light of the new ground of rejection, necessitated by amendment and thus, **the current Office Action has been made final.**

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

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subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-38 and Claim 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Roy Want et al (WANT)(US PATENT 6,122,520).**

As per Claim 1, WANT teaches:

A method of providing a user with information about a product or service, via machine-readable coded data disposed on or in a surface of an article, the coded data identifying the article and a position of the coded data on the surface of the article, the method comprising the steps, performed in a computer system, of: receiving interaction data representing interaction of a sensing device with the coded data, the interaction data having been generated at least partially on the basis of at least some of the coded data being sensed by the sensing device as the interaction took place; determining from the interaction data an identity of the article and the position of the coded data interacted with by the sensing device; receiving location data indicative of a geographical location; determining, from the location data, the identity of the article and the position of the coded data interacted with by the sensing device, the information; and providing the information to the user.

WANT teaches a location information system using a positioning system, such as the civilian Navstar Global Positioning System (GPS), in combination with a distributed network. The location information system includes a radio transceiver for communicating to the distributed network and a GPS receiving system. The GPS receiving system receives a signal from the GPS and converts it into a coordinate entry. The coordinate entry is transmitted to the distributed network for retrieval of corresponding location specific information. The location

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specific information may reside on a web page. The coordinate entry may be incorporated into the web page address that supports the coordinate entry or linked to an existing web page associated with the coordinate entry. The web page and associated information is displayed. Bar code labels, infrared beacons and other labeling systems may also be used in the location information system in place of or in addition to the GPS receiving system to supply location identification information. (abstract)

The system and method provides allows for labeled objects [**articles or products**] to be “linked” to associated web page(s). The infrared beacons or the bar code labels can also be used with objects [**product or article**] that have associated manuals or other written materials that are electronically available on the distributed network. That is, the user can electronically access an electronic version of its manual or other written material [**identity of article**] by using information obtained from an infrared beacon or bar code label. Web pages corresponding to the URL to the distributed network are then provided to the computer via the transceiver and displayed on the display. The infrared beacons or the bar code labels can also be used directly with manuals [**product or articles**] or other written materials that are electronically available on the distributed network. Col 7 lines 9-40 see also FIG 6

Claim 1 reads A location information system that displays location specific information, the location information system, comprising: A receiver that receives location identification information [**location data indicative of a geographical location**] from at least one site specific object identifying a location; and a transceiver that transmits the location identification information to a distributed network and that receives the location specific information about the specified location from the distributed network based on the location identification information,

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wherein the location specific information provides information [provides information to user, including identification information] corresponding to the location. See also Claims 2-28.

Printed label codes and other labeling systems can also be used with the location information system. In one embodiment, bar code labels may be provided on [on or in a surface of an article] various stores, public buildings, exhibition centers, statutes and the like [product or article]. The computer or PDA is provided with a bar code scanner [sensing device] for scanning the bar code [coded data] on the bar code labels. The system then decodes the bar code to obtain the coordinate entry or URL for the associated web page. The coordinate entry is provided to the distributed network, which either incorporates the coordinate entry into a URL referencing a web page on a predetermined node which contains the location specific information or provides a "hyperlink" to a preexisting web page located on a separate node on the distributed network. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67.

As per Claim 2, **WANT** teaches: wherein the information is indicative of a location of a commercial entity. (Col 2 Lines 35-40) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67.

As per Claim 3, **WANT** teaches: wherein the determining step includes determining that the article has been purchased. (abstract) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

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As per Claim 4, WANT teaches: wherein the information is indicative of an inducement to buy the product or service. (abstract) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 5, WANT teaches: wherein the inducement is a price discount. (abstract) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 6, WANT teaches: wherein the price discount is only valid at an outlet of a commercial entity at the location. (abstract) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 7, WANT teaches: wherein the price discount is valid at any of a number of outlets of the commercial entity. (abstract) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 8, WANT teaches: further including the step of receiving, in the computer system, identity data indicative of an identity of at least one of the sensing device and the user. (abstract) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 9, WANT teaches: further including the step of receiving, in the computer system, alias identity data indicative of an alias identity of at least one of the sensing device and

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the user. (abstract) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 10, WANT teaches: the location data having been provided by the sensing device. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 11, WANT teaches: the location data having been generated by the sensing device. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 12, WANT teaches: the location data having been provided by a mobile communications device. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 13, WANT teaches: the location data having been generated by the mobile communications device. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 14, WANT teaches: wherein the location data is based on Global Positioning System (GPS) location information generated by a GPS receiver in the sensing

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device. (abstract) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 15, WANT teaches: wherein the location data is based on Global Positioning System (GPS) location information generated by a GPS receiver in the mobile communications device. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 16, WANT teaches: the location data having been generated by a telecommunications network associated with the sensing device. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 17, WANT teaches: the location data having been generated by a telecommunications network associated with the mobile communications device. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 18, WANT teaches: wherein the sensing device includes a wireless receiver for receiving radio-frequency data from a transmitter, the radio- frequency data including location information upon which the location data is based. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 19, WANT teaches: wherein the mobile communications device includes a wireless receiver for receiving radio-frequency data from a transmitter, the radio-frequency data including location information upon which the location data is based. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 20, WANT teaches: wherein the sensing device and the mobile communication device are integrated in a single device. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 21, WANT teaches: wherein the sensing device and the mobile communication device are integrated in a single device. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 22, WANT teaches: wherein the sensing device and the mobile communication device are integrated in a single device. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 23, WANT teaches: wherein the sensing device and the mobile communication device are integrated in a single device. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 24, WANT teaches: wherein the sensing device and the mobile communication device are integrated in a single device. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 25, WANT teaches: the location data having been generated by a telecommunications network associated with the sensing device. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 26, WANT teaches: the location data having been derived using an Uplink Time Difference of Arrival technique. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 27, WANT teaches: wherein the location data is received from a server, the server maintaining location data for a plurality of the articles based on last known locations of the respective articles. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 28, WANT teaches: wherein the providing step includes sending the information to an electronic address associated with at least one of the user and the sensing device. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

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As per Claim 29, WANT teaches: wherein the geographical location is an area. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 30, WANT teaches: wherein the area is defined by a postal or zip code. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 31, WANT teaches: wherein the area is a city, suburb or town. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 32, WANT teaches: wherein the geographical location is an area at least partially defined by a transmission footprint of one or more cells of telecommunications network that forms at least part of a communication path via which at least one of the location data and the interaction data are received in the computer system. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 33, WANT teaches: wherein the geographical location is an area at least partially defined by a transmission footprint of one or more cells of the telecommunications network. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 34, WANT teaches: wherein the geographical location is an area at least partially defined by a transmission footprint of one or more cells of the telecommunications network. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 35, WANT teaches: wherein the coded data is indicative of an identity of the article. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 36, WANT teaches: wherein the coded data is indicative of an Electronic Product Code (EPC) of the article. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 37, WANT teaches: wherein the providing step includes causing a printer to print the information. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 38, WANT teaches: wherein the providing step includes causing a printer to print the information in the form of a voucher for obtaining the discount. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per **Claim 40, WANT** teaches: See the reasoning of the rejection of Claim 1, as the limitations of Claim 40 are substantially similar.

Conclusion

6. **THIS ACTION IS MADE FINAL** See MPEP §706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rodriguez et al, (US 6,650,761 B1) discloses Watermarked business cards and Methods.

Kaddeche et al (US 2002/0046104 A1) provides method and apparatus for generating targeted impressions to internet clients.

Rajasekharan (US 2003/0024975) discloses a method and system for reading bar codes with geographic information to provide relevant physical world information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL R. STIBLEY whose telephone number is

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(571) 270-3612. The examiner can normally be reached on Monday-Friday 9 a.m.-5 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAMES W. MYHRE can be reached on (571) 272-6722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MICHAEL R. STIBLEY/
Examiner, Art Unit 3688
Monday, August 18, 2008

/James W Myhre/
Supervisory Patent Examiner, Art Unit 3688